



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380

MCO 3870.2
IGA
30 May 1986

MARINE CORPS ORDER 3870.2

From: Commandant of the Marine Corps
To: Distribution List

Subj: Conduct and Oversight of Intelligence and Other Special Activities Within the Marine Corps

Ref: (a) SECNAVINST 3820.3C
(b) SECNAVINST 5430.57D
(c) MCO 5040.6C

Report Required: Quarterly Intelligence Oversight Report (Report Symbol EXEMPT), par. 5c

1. Purpose. To establish procedures and responsibilities for the conduct and oversight of intelligence and other special activities within the Marine Corps.

2. Information

a. Reference (a) promulgated policies and procedures governing the assignment of responsibility for intelligence oversight functions within the Department of the Navy (DON). It provides DON guidance for the implementation of Executive Order 12333 (United States Intelligence Activities) and Executive Order 12334 (President's Intelligence Oversight Board). Extracts from reference (a) are included in this Order to highlight salient requirements of the intelligence oversight process.

b. Reference (a) states that DON intelligence components include the "intelligence, signals intelligence, and counterintelligence elements of the Marine Corps." For purposes of intelligence oversight, Marine Corps intelligence components include the Intelligence Division, HQMC, the G-2 sections of major FMF commands, the two radio battalions, all interrogator-translator teams, all counterintelligence teams, and the staff counterintelligence officer of major non-FMF commands and bases.

c. This Order does not apply to law enforcement activities conducted by Marine Corps commands.

3. Policy

a. Marine Corps intelligence components will carry out their authorized functions in a manner that protects the constitutional rights and privacy of U.S. citizens per reference (a). No Marine Corps intelligence component will request any person or agency to undertake unauthorized activities.

b. The use of collection techniques authorized by enclosure (2) of reference (a) will be limited to those necessary to perform functions assigned to the Marine Corps intelligence component concerned.

c. Marine Corps intelligence components will not conduct, or provide support for special activities except in time of war, or during a period covered by the War Powers Resolution, 50 U.S.C. 1541-1548, or when such activities have been approved by the President and directed by the Secretary of Defense.

MCO 3870.2
30 May 1986

4. Responsibilities for Intelligence Oversight

a. Inspector General of the Marine Corps will:

- (1) Carry out intelligence oversight responsibilities required by references (a) and (b).
- (2) Inspect Marine Corps intelligence components to ensure compliance with reference (a) and this Order.
- (3) Determine if procedures exist within all Marine Corps intelligence components for the reporting of questionable activities and violations of Federal law, and that members of such components are aware of their responsibilities to report such activities.
- (4) Investigate reports of questionable activities conducted by or on behalf of Marine Corps intelligence components.
- (5) In the event questionable activities were conducted but not reported, ascertain the reason for failure to report such activities and make recommendations for corrective action.
- (6) Determine if members of Marine Corps intelligence components are familiar with the provisions of reference (a) and this Order as they pertain to the operations and activities of their components.
- (7) Refer reports of questionable activities conducted by or on behalf of Marine Corps intelligence components to the Office of the General Counsel, Department of the Navy or Judge Advocate General, as appropriate, for a determination whether such activities are legal and consistent with applicable policy.

b. The Counsel for the Commandant and the Director, Judge Advocate Division will jointly:

- (1) Determine whether activities conducted by the Marine Corps intelligence components are legal and consistent with applicable policy.
- (2) Refer all reports of questionable activity conducted by or on behalf of Marine Corps intelligence components to the Inspector General of the Marine Corps for investigation.

c. Director of Intelligence, HQMC and heads, Marine Corps intelligence components will:

- (1) Ensure that Marine Corps intelligence components and intelligence sections of their subordinate commands, where appropriate, do not conduct any activities that are unlawful or not in compliance with reference (a) and this Order.
- (2) Report to appropriate legal authority and the Inspector General of the Marine Corps all questionable activities conducted by or on behalf of Marine Corps intelligence components.
- (3) Refer all questions pertaining to the legality of planned intelligence activity to the appropriate legal authority for review prior to implementation.
- (4) Ensure that members of the intelligence components are aware of the requirement to report all questionable or suspected violations of Federal statutes and the procedures set forth in the references and this Order governing the activities of intelligence collection that affect U.S. citizens.
- (5) Initiate appropriate administrative sanctions in case of violations of the references and this Order.

(6) Ensure that no adverse action is taken against any member because the member reported activities pursuant to this Order.

(7) Ensure that the Inspector General of the Marine Corps is regularly briefed on all ongoing and proposed Marine Corps intelligence and special activities.

(8) Ensure that the Inspector General of the Marine Corps, appropriate legal authorities, and intelligence oversight officials have access to all information concerning intelligence activities and that members of their components cooperate fully with such officials.

(9) In accordance with references (b) and (c) provide technical augmentation personnel to the Inspector General of the Marine Corps for inspections of intelligence oversight.

(10) Conduct intelligence oversight training at least annually.

d. Members of Marine Corps intelligence components will be responsible for:

(1) Conducting intelligence activities pursuant to and in accordance with the references and this Order.

(2) Reporting all intelligence activities that violate Federal law, Executive order, Presidential directive, or applicable DoD, DON, or HQMC policy to appropriate legal authority, the Inspector General of the Marine Corps, or appropriate commanders.

(3) Reporting to appropriate legal authority facts or circumstances that indicate a member of the intelligence component may have violated a Federal criminal statute or any person suspected of violation of Federal criminal statute enumerated in enclosure (3) of reference (a).

5. Quarterly Intelligence Oversight Review and Report

a. On a quarterly basis, and more frequently if necessary, the Director of Intelligence, HQMC will provide to the Under Secretary of the Navy, via the DON Intelligence Oversight Board:

(1) Summary of all existing and proposed intelligence activities and programs of significance;

(2) Summary of all existing and proposed intelligence activities and programs which involve intelligence activities, sources, methods, or techniques not previously reviewed; and

(3) Summary of all existing and proposed intelligence activities and programs which may be in violation of U.S. or foreign law or any status of forces or other international agreement, or which may be contrary to the Executive order, Presidential directive, or applicable DoD, DON, or HQMC policy.

b. The Inspector General of the Marine Corps will submit to the Chairman, Intelligence Oversight Board via the Secretary of the Navy and the Assistant to the Secretary of Defense (Intelligence Oversight), a quarterly intelligence oversight report covering:

(1) Any intelligence activity that is believed to be in violation of or in conflict with reference (a), this Order, and other applicable policy.

(2) All significant intelligence oversight activities undertaken during the quarter.

30371
MCO 3870.2
30 May 1986

(3) Recommendations for improvement of the intelligence oversight system.

c. The reporting requirement is EXEMPT from reports control and requires no report symbol.

6. Retention of Records. Documentation and records developed during the oversight process will be retained permanently unless otherwise directed by the CMC (INT). Locally held intelligence oversight case files will be reviewed every 3 years. Upon completion of review, requests for disposition instructions will be directed to the CMC (INT).


7. Intelligence Oversight Training

a. Particular attention is directed to paragraph 4c(10) above which requires annual intelligence oversight training of members of intelligence components.

b. Marine Corps intelligence components will ensure that all members, including intelligence personnel of subordinate commands, are familiar with relevant portions of reference (a) and this Order. Specific guidance is provided in enclosure (2), Procedure 14, of reference (a).

c. Intelligence oversight training will be documented and then reviewed during oversight inspections.

8. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.


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Chief of Staff

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